

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/31/24</u>

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AARON ABADI,

Plaintiff,

-v-

AMERICAN AIRLINES et al.,

Defendants.
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23-cv-4033 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court has today signed a stipulation of dismissal that, together with the Court's Opinion and Order of March 29, 2024, Dkt. No. 346, addresses and results in the dismissal of all of the claims of the appearing defendants, except for the Federal Government Defendants, *see* Dkt. No. 376 (stipulation of voluntary dismissal against remaining non-government defendants). There remains outstanding the motion of Plaintiff Aaron Abadi for alternative service against three airlines: Air China Limited, China Southern Airlines Company Limited, and Sun Country, Inc. doing business as Sun Country Airlines. Dkt. No. 367. The claims against those three airlines are "inextricably intertwined," to the claims against the other airlines, *Brunswick Corp. v. Sheridan*, 582 F.2d 175, 184 (2d Cir. 1978) (Friendly, J.), thereby likely precluding the Court from entering judgment pursuant to Rule 54(b) with respect to the claims dismissed pursuant to the Court's order of March 29, 2024, *see* Fed. R. Civ. P. 54(b) ("When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no

just reason for delay.”); *see also* *Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 10 (1980) (evaluating the “interrelationship with the claims on which certification is sought”); *Novick v. AXA Network, LLC*, 642 F.3d 304, 311 (2d Cir. 2011) (“[T] district court generally should not grant a Rule 54(b) certification ‘if the same or closely related issues remain to be litigated.’” (quoting *Harriscom Svenska AB v. Harris Corp.*, 947 F.2d 627, 629 (2d Cir. 1991))). The Court is prepared to address the motion for alternative service should Plaintiff wish to continue to press that motion. Accordingly, it is hereby ORDERED that by no later than June 14, 2024, Plaintiff shall file a letter on the docket indicating whether he withdraws the motion at Dkt. No. 367, and, if so, whether he consents to the dismissal of those non-appearing Defendants without prejudice or, in the alternative, whether he desires the Court to rule on his motion for alternative service.

SO ORDERED.

Dated: May 31, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge